

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

PENN-DION CORPORATION,

Plaintiff,

v.

GREAT AMERICAN INSURANCE
COMPANY OF NEW YORK, et al.,

Defendants.

CIVIL ACTION
No. 17-4634

ORDER

AND NOW, this 31st day of January 2019, upon consideration of Defendants' Partial Motion to Dismiss and Strike Plaintiff's Third Amended Complaint (Doc. No. 29), Plaintiff's Response (Doc. No. 31), and Defendants' Reply (Doc. No. 32), it is **ORDERED** in accordance with the Opinion issued by the Court on this day that Defendants' Partial Motion to Dismiss and Strike Plaintiff's Third Amended Complaint is **GRANTED IN PART** and **DENIED IN PART**. Defendants' Motion to Dismiss is **GRANTED** on Plaintiff's fraud claims alleged in Counts I and II, the negligence claim alleged in Count III, the civil conspiracy claim alleged in Count VI, and the claim of concerted action under the Restatement (Second) of Torts § 876 alleged in Count VII. Defendants' Motion to Strike Paragraph 84 of the Complaint is **DENIED**.

Defendants shall file an Answer to Counts IV and V of the Complaint within fourteen (14) days of the date of this Order.

BY THE COURT:

/s/ Joel H. Slomsky
JOEL H. SLOMSKY, J.